IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Miscellaneous Civil application NO. 45 OF 2006

MRS. POONAM ASHISH KAPADIA ... Applicant

V/S
MR. ASHISH RAMESHCHANDRA KAPADIA .. Respondent

JAYENDRA D. KHAIRNAR for applicant.
ANURAG JAIN for respondent

CORAM: D. G. KARNIK **J.**

DATE: 11th October 2006

P.C.:

1. Heard learned counsel for the parties.

2. This application is filed by the wife- applicant, for transfer of the matrimonial proceedings bearing No. PA 192 of 2005 filed by the husband – respondent in the Family Court, Pune to the Court of Additional District Judge at Malegaon.

3. The applicant is the wife and the respondent is the husband. The respondent filed a petition bearing No. PA 192 of 2005 in the Family Court at Pune for restitution of conjugal rights The applicant is contesting the claims of the respondent in the said matrimonial proceedings. Learned counsel for the

applicant submits that it is impossible for the applicant to defend the petition at Pune for various reasons. Firstly the applicant has two minor children aged 4 years and 2 years and she cannot travel with the children to Pune. The applicant resides at Malegaon and she is financially depending on her parents and does not have means to meet even the expenses of travel and stay in Pune and therefore she is unable to defend the proceedings.

4. I have heard counsel for the parties. Learned counsel for the respondent does not dispute that the applicant resides at Malegaon and has 2 children aged 4 years and 2 years. In the circumstances it would not be possible for the applicant to travel to Pune on every date of hearing and defend the proceedings.

5. For these reasons, the application is allowed and the matrimonial proceedings bearing No. PA 192 of 2005 pending in the Family Court, Pune is withdrawn from its file and transferred to the Court of Additional District Judge at Malegaon for hearing and disposal in accordance with law.

**(D.G. KARNIK J.)**